

Kinney, McNeel, Miller, Parker, Phillips and Wallace—10.

*Nays.* Senators, Bagby, Bourland, Williams and Williamson—4.

Carried.

Senator McKinney moved that the Senate concur in the amendments of the House.

The yeas and nays being called stood thus:

*Yeas.* Senators, Brashcar, Burleson, Jewett, McKinney, McNeel, Miller, Parker, Phillips, Wallace and Williamson—10.

*Nays.* Senators, Bagby, Bourland, Grimes and Williams—4.

Carried and the bill passed.

On motion, the Senate adjourned until Monday morning 9 o'clock, A. M.

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SENATE CHAMBER, }  
 MONDAY, May 11th, 1846. }  
 9 O'CLOCK A. M.

Senate met, pursuant to adjournment—roll called and a quorum present.

Journals of the preceding day read and adopted.

Senator Phillips, chairman of the Judiciary committee, to whom was referred a bill to prevent confusion in Judicial proceedings, arising out of the repeal of laws under which they were had; reported the same back to the Senate and recommended its passage—report adopted.

Rule suspended, bill read 3rd time and passed.

Senator Grimes, chairman of the committee on Finance, to whom was referred a bill making appropriations for the support of the Government for the years 1846 and 1847, reported amendments to the bill and recommended its passage.

Senator McNeel made the following report:

"The committee on Engrossed bills, have examined an act to authorize imprisonment in the State Penitentiary for crimes committed against the laws of the State, and find it correctly engrossed.

Adopted.

A message was received from the House, informing the Senate, that the House has concurred in the 1st amendment of the

Senate to a bill to be entitled an act defining the office and duties of Sheriffs, and had refused to concur in the 2nd amendment.

Had passed a bill for the relief of A. J. Yates, originating in the Senate,

And had passed a bill authorizing volunteers to elect their own officers.

A bill for the protection of volunteers or drafted men in actual service.

And requested the concurrence of the Senate to the same.

Senator McKinney, chairman of the Select committee, to whom was referred a bill requiring the Governor to procure the plates upon which the promissory notes and exchequer bills of the late Republic of Texas were printed, reported an amendment and recommended the passage of the bill.

### ORDERS OF THE DAY.

A bill to provide for the protection of volunteers or drafted men in actual service; read first time and laid on the table.

Senator Wallace, one of the Judiciary committee, made the following report:

"The committee on the Judiciary, to whom was referred the bills entitled 'an act to provide for the assessment and collection of Taxes,' the substitute for the bill entitled 'an act to provide for the collection of taxes for State and county purposes,' and the bill entitled 'an act for the assessment of taxes,' have examined the same with as much care and deliberation as could be reasonably expected. They deem it inexpedient, under existing circumstances, to have the duties of assessing performed by one officer and those of collecting the taxes by another, however much they might, under other other circumstances, desire such a division; they therefore recommend that the first and second bills be indefinitely postponed, especially as the important provisions contained in them are reported herewith; as amendments to the third bill named above; which bill and the amendments thereto I am instructed to recommend for passage."

The Senate refused to recede from their 2nd amendment to the bill defining the office and duties of Sheriffs, and appointed Senators Phillips and Williams a committee of conference on the part of the Senate, on said bill.

A bill authorizing volunteers to elect their own officers; read 1st time and laid on the table.

Senator McNeel, chairman of the committee on Engrossed and Enrolled bills, made the following report:

The committee on Engrossed and Enrolled bills, have examined

A bill to organize the Supreme Court of the State of Texas.

A bill to organize the Probate Court of the State of Texas.

A bill to define the time of holding the Courts in the several Judicial districts of the State of Texas.

A bill to amend the first section of an act approved 14th January, A. D. 1840, entitled an act, authorizing the issuing of duplicate land warrants, discharges and certificates for head right claims upon certain conditions,

And find them correctly enrolled, and being signed by the President of the Senate and Speaker of the House of Representatives, have been presented to the Governor for his approval.

A bill authorizing imprisonment in the State Penitentiary for crimes committed against the State; read 3rd time and passed.

Senator Williamson offered the following resolution:

*Resolved*, That the Senate, with the consent of the House of Representatives, will go into the election of a Commissioner of the General Land Office, at 3 o'clock P. M., this day.

On motion, the resolution was laid on the table.

The Senate recessed from their amendment to a bill defining the duties of District Attorney.

On motion of Senator Wallace, the bill to provide for the assessment and collection of taxes was taken up, together with the amendments of the Judiciary committee.

Senator Burleson moved to strike out the word "collector" in the 1st section of the bill.

The yeas and nays being called, stood thus:

*Yeas.* Senators, Burleson, McKinney, Miller, Phillips and Williamson—5.

*Nays.* Senators, Bagby, Bourland, Brashear, Grimes, Jewett, McNeel, Navarro, Parker, Robinson, Wallace and Williams—11.

Lost.

The yeas and nays being called for on the adoption of the 21st amendment, stood thus:

*Yeas.* Senators, Brashear, Grimes, Jewett, McNeel, Navarro, Parker, Phillips, Robinson, Wallace, Williams and Williamson—11.

*Nays.* Senators, Bagby, Burleson, McKinney and Miller—4. Carried.

The report and amendments of the committee being adopted, the yeas and nays were called on the final passage of the bill.

*Yeas.* Senators, Bourland, Brashear, Grimes, Jewett, McNeel, Parker, Robinson, Wallace, Williams and Williamson—10.

*Nays.* Senators, Bagby, Burleson, McKinney, Miller, Navarro and Phillips—6.

Carried and the bill passed.

A message was received from the House, informing the Senate of the passage of the joint Resolution for the relief of the heirs of John G. Welchmeyer, which originated in the Senate.

And had passed the following bills :

A bill for the relief of the heirs of Milton Hicks.

A bill creating a seal for the Adjutant General's office.

A bill giving concurrent jurisdiction to the District and interior courts, in certain cases,

And request the concurrence of the Senate to the same.

Also informing the Senate of the appointment of Messrs. Nichols and Pease on the part of the House, on a bill defining the office and duties of Sheriffs.

And had passed with amendments :

A bill to fix the time of holding elections for members to the Congress of the United States.

A bill to provide for the protection of volunteers or drafted men in actual service, was taken up, and on motion of Senator Burleson, indefinitely postponed.

Senators, Williams, Bagby and Bourland presented the following protest, which was ordered to be spread upon the Journals.

SENATE CHAMBER, }  
May 11th, 1846. }

To the Honorable A. C. Horton,

*President of the Senate :*

The undersigned having voted in the minority, upon the motion made on the 9th of May, to reconsider a vote on a question decided on the 7th day of said month, whether or not the Senate would concur in an amendment proposed to the bill establishing a General Land Office in the State of Texas, by the House of Representatives; availing themselves of the privilege secured by the Constitution, beg leave to pre-

sent their protest, that the same may be entered upon the Journals of the Senate.

1st. They protest against the right of the Senate to reconsider a vote upon a bill, after the same has passed out of the possession of the Senate—to sustain which they would here recite the 22nd rule of the Senate—

“After a question has been decided in the affirmative or negative, any member who voted with the majority, may, on the day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof; unless the bill, resolution, amendment, message, motion, or report, upon which the vote had been taken, shall have passed out of the possession of the Senate.”

2d. Referring to this rule, they protest against the right of the *majority* of the Senate to reconsider without first suspending the same in the manner provided by the standing rules of the Senate.

And they would further protest against the adoption of the amendment of the House of Representatives, on Constitutional grounds, viz: That all powers not conferred (by the people) upon the Legislature, are reserved by the people, and that the amendment proposes to give to the Legislature power not delegated by the Constitution.

WM. M. WILLIAMS,  
JAS. BOURLAND,  
B. C. BAGBY,

On motion, the Senate adjourned until 3 o'clock.

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3 O'CLOCK, P. M.

Senate met, roll called and a quorum present.

The Senate concurred in the amendments of the House, to the bill to fix the time of holding elections for members to the Congress of the United States.

Senator McNeel, chairman of the committee on Engrossed and Enrolled bills, made the following report:

The committee on Enrolled bills, have examined a bill organizing Justices' Courts and to define the powers and jurisdiction of the same, and being signed by the Speaker of the House and President of the Senate, was this day presented to the Governor for his approval.

Report adopted.

A bill to secure the payment of fines imposed by the District Courts of the State, on motion of Senator Williamson, was laid on the table.

A bill to fix the pay and mileage of members of the Legislature; read 3rd time and passed.

A bill for the relief of the heirs of Milton Hicks; read 1st time—rule suspended—read 2nd time—rule further suspended; read 3rd time and passed by the following vote.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Jewett, McNeel, Navarro, Phillips, Robinson, Wallace, Williams and Williamson—14.

*Nays.* Senator McKinney—1.

A message was received from the Governor, transmitting a communication in writing, which was read, and on motion the Senate went into Executive session; and having spent some time therein proceeded to other business.

A bill to create a land district composed of the counties of San Patricio and Nueces; read 3rd time and passed.

Senator Phillips, chairman of the committee of Conference on the part of the Senate, reported that the committee recommended that the Senate recede from their amendment, and strike out the 12th section of the bill defining the office and duties of Sheriffs.

Report adopted.

A bill giving concurrent jurisdiction to the District and inferior courts; read 1st time—rule suspended—read 2nd time.

Senator Phillips moved to strike out the word "purview" and insert "conflict with."

Carried—rule further suspended; read 3rd time and passed.

Senator McNeel moved to reconsider the vote indefinitely postponing the bill for the protection of volunteers and drafted men in actual service.

Carried and bill taken up—rule suspended—read 2nd time.

Senator Wallace moved to strike out the 2nd section of the bill.

*Yeas and nays being called, stood thus:*

*Yeas.* Senators, Bourland, Burleson, Grimes, Miller, Parker, Robinson and Wallace—7.

*Nays.* Senators, Bagby, Brashear, Jewett, McKinney, McNeel, Navarro, Phillips and Williams—8.

Lost.

Senator Jewett moved to strike out the word "leading," in the 2nd section.

Yeas and nays called, stood thus:

*Yeas.* Senators, Bagby, Bourland, Jewett, Parker and Williamson—5.

*Nays.* Senators, Brashear, Burleson, Grimes, McKinney, McNeel, Miller, Navarro, Phillips, Robinson, Wallace and Williams—11.

Lost—rule suspended, read 3rd time and passed.

A message was received from the House, informing the Senate that the House refuse to concur in the 18th amendment of the Senate, to the bill to regulate proceedings in the District Courts of Texas, having concurred in the remainder of the amendments.

Also had concurred in the 1st, 2nd, 3rd, 4th, 5th, 13th, 14th and 15th amendments of the Senate to the bill to provide for the collection and assessment of taxes, and refuse to concur in the remainder, and had appointed Messrs. McNeil, Tankersly and Stewart, a committee of Conference on said bill, on the part of the House.

Also informing the Senate that the House concur in their amendments to a bill to fix the pay and mileage of members of the Legislature.

And had passed the Senate's bill to create a land district composed of the counties of San Patricio and Nueces.

And had rescinded the resolution to adjourn *sine die* on the 11th instant.

Senators Robinson, Wallace and Phillips were appointed a committee of Conference on the part of the Senate, on the bill to provide for the assessment and collection of taxes.

Senator McNeel, chairman of the committee on Enrolled bills, reported the correct enrollment of a bill to fix the time for holding elections for members of the United States Congress; and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to the Governor for his approval.

A bill defining the office and duties of Coroner; read 2nd time and passed to a 3rd reading.

A bill creating the office and duties of Constables; read 2nd time—rule suspended, read 3rd time and passed.

A bill creating a seal for the Adjutant General's office; read 2nd time—rule suspended, read 3rd time and passed.

Joint resolution authorizing the Governor to procure the plates upon which the promissory notes and exchequer bills of

the late Republic were printed, was taken up, and on motion of Senator Williamson, was laid on the table till the 4th of July next.

A bill making appropriations for the support of the Government, for the years 1846 and 1847, was taken up, on the report of the committee on Finance.

1st amendment, striking out "For pay of private Secretary of the Governor, \$750" and inserting "\$600."

Upon which the yeas and nays being called, stood thus:

*Yeas.* Senators, Burleson, Grimes, McKinney, McNeel, Miller, Parker, Wallace and Williams—8.

*Nays.* Senators, Bagby, Bourland, Brashear, Jewett, Navarro, Phillips, Robinson and Williamson—8.

There being a tie, the President voted in the negative, so the amendment was rejected.

2nd, 3rd, 4th and 5th amendments of the committee adopted

6th amendment, striking out \$900 and inserting \$600, for translator and recorder of Spanish deeds of the General Land office, annually.

Upon which the yeas and nays were called and stood thus:

*Yeas.* Senators, Bagby, Bourland, Burleson, Grimes, McKinney, McNeel, Miller, Parker and Wallace—9.

*Nays.* Senators, Brashear, Jewett, Navarro, Phillips, Robinson and Williamson—6.

Adopted.

7th amendment adopted.

8th amendment, striking out "for postage of General Land Office \$300." Rejected.

9th, 10th, 11th, 12th and 13th amendments adopted.

14th amendment, striking out "for compensation of officers of 1st Legislature each \$5 per day" and inserting "for compensation of the Clerks of both Houses of the Legislature, per day \$4 each; for compensation of Sergeant at arms and Door Keeper of both Houses of the Legislature per day \$3 each."

Upon which the yeas and nays were called and stood thus:

*Yeas.* Senators, Bagby, Burleson, Grimes, McKinney, McNeel, Miller, Parker, Phillips, Robinson, Wallace and Williams—11.

*Nays.* Senators, Bourland, Brashear, Jewett, Navarro and Williamson—5.

Adopted.

15th, 16th, 17th and 18th amendments adopted.

Senator Bagby offered the following amendment:



*Be it further enacted*, That the sum of four hundred and forty-four dollars and fifty-four cents, be and the same is hereby appropriated for pay of salary of the late K. L. Anderson, Vice President of the Republic, which may be drawn from the Treasury of the State by Mrs. K. L. Anderson.

Adopted.

Senator McKinney moved to strike out "two Clerks for Comptrollers office."

Carried.

Senator McKinney moved to strike out \$600 and insert \$800 for Clerk of Comptroller's office.

Upon which the yeas and nays were called and stood as follows:

*Yeas.* Senators, Bourland, Jewett, McKinney, Phillips, Williams and Williamson—6.

*Nays.* Senators, Bagby, Brashear, Burleson, Grimes, McNeel, Miller, Parker, Robinson and Wallace—9.

Lost.

Senator Williamson moved to strike out \$1,000 and insert \$1,200 for compensation of Secretary of State, upon which the yeas and nays were called and stood thus:

*Yeas.* Senators, Bourland, Bagby, Brashear, Burleson, Jewett, McKinney, McNeel, Navarro, Phillips, Williams and Williamson—11.

*Nays.* Senators, Grimes, Miller, Parker, Robinson and Wallace—5.

Carried.

Senator Bourland moved to strike out \$1,000 and insert \$1,200 for compensation of Treasurer.

Carried.

Senator Bourland moved to add \$100 to contingent fund of Treasurer's office. Lost.

Senator McNeel moved to reconsider the vote rejecting the 8th amendment of the Committee, upon which the yeas and nays were called and stood thus:

*Yeas.* Senators, Bagby, Bourland, Burleson, McNeel, Miller, Robinson, Wallace and Williams—8.

*Nays.* Senators, Brashear, Grimes, Jewett, McKinney, Navarro, Parker, Phillips and Williamson—8.

There being a tie, the President voted in the negative, and the motion was lost.

Senator Robinson moved to strike out \$1500 and insert \$1600 for Compensation of Attorney General—upon which the yeas and nays stood thus:

*Yeas.* Senators, Bourland, Brashear, Grimes, Parker, Phillips, Robinson, Wallace, Williams and Williamson—9.

*Nays.* Senators, Bagby, Burleson, Jewett, McKinney, McNeel, Miller and Navarro—7.

Carried.

Senator Burleson moved to strike out \$3 and insert \$4 per day for compensation for Sergeant-at-Arms and Door-keeper.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Robinson, Williams and Williamson—7.

*Nays.* Senators, Grimes Jewett, McKinney, McNeel, Miller, Navarro, Parker, Phillips and Wallace—9.

Lost.

Senator Phillips offered the following amendment :

For the purchase of books &c., for Treasurer's office, one hundred dollars.

Adopted.

On motion, the rule was suspended, bill read 3rd time by its caption, and the yeas and nays being called on the final passage stood thus:

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Jewett, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Wallace and Williams—15.

*Nays.* None.

So the bill passed.

Senate adjourned until to-morrow, 9 o'clock, A. M.

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SENATE CHAMBER, }  
TUESDAY, May 12th, 1846. }  
9 O'CLOCK A. M.

Senate met, pursuant to adjournment, roll called and a quorum present.

Journal of the preceding day was read and adopted.

A message was received from the House, informing the Senate of the passage of a bill defining the office and duties of Notaries Public, and requesting the concurrence of the Senate.

Also informing the Senate of the election of Honorable S. W. Perkins as speaker of the House in the place of Honorable H. Bourland resigned.